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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,568	02/25/2005	Boaz Brill	1538NOV-US	3041
7590 03/08/2007 Beit HaRofim Dekel Patent 18 Menuha VeNahala Street Room 27 Rehovot, ISRAEL			EXAMINER STAFIRA, MICHAEL PATRICK	
			ART UNIT 2886	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/08/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/525,568	<b>Applicant(s)</b> BRILL ET AL.	
	<b>Examiner</b> Michael P. Stafira	<b>Art Unit</b> 2886	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14, 18, 20 and 21 is/are rejected.
- 7) ☒ Claim(s) 15-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2005 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                      | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

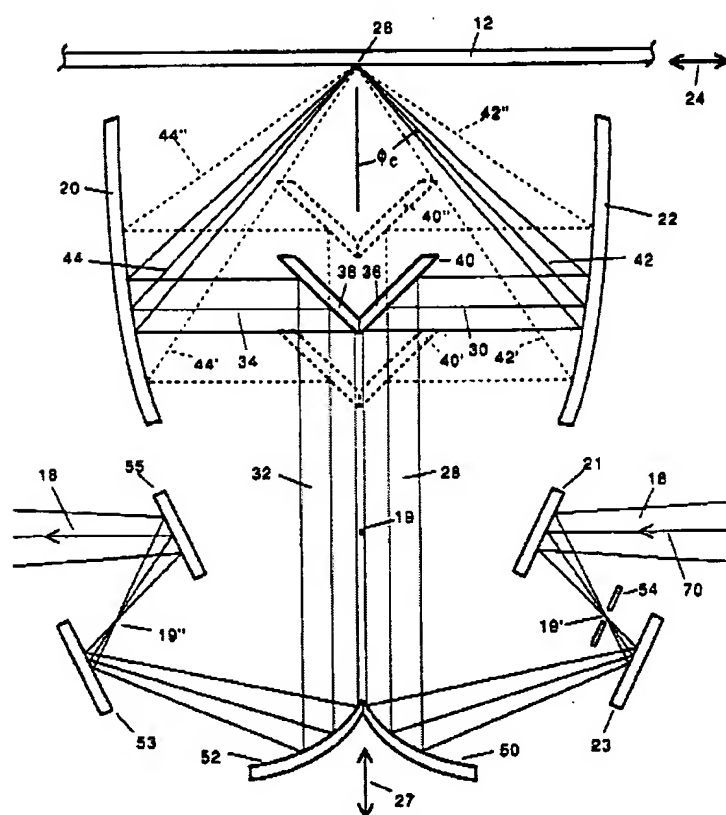
3. Claims 1-4, 6-10, 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Brierley ('196).

### **Claim 1**

Brierley ('196) discloses a light source (Fig. 2, Ref. 16) operable to produce an incident light beam propagating in a certain direction towards the sample (Fig. 2, Ref. 12) through an illumination channel (optical axis); a detector unit (Fig. 2, Ref. 18) for collecting light coming from the sample (Fig. 2, Ref. 12) through a detection channel (optical axis), and generating data indicative of the collected light (Col. 5, lines 19-25); a light directing assembly operable to direct the incident beam onto a certain location on the sample's plane with a plurality of incident angles (Col. 6, lines 15-36), and to direct light returned from the illuminated location to the detector unit (Fig. 2, Ref. 18), the light directing assembly comprising a plurality of beam deflector elements

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(Fig. 2, Ref. 21, 23, 22, 36, 38, 20, 55, 53, 52, 50), at least one of the deflector elements being movable (Fig. 2, Ref. 36, 38), a position of said at least one movable deflector element defining a selected one of the incident angles (Col. 6, lines 15-36).

**FIG. 2****Claim 2**

Brierley ('196) further discloses the plurality of said deflector elements comprises two arrays of the deflector elements, one array being located in the illumination channel (Fig. 2, Ref. 21, 23, 50, 36, 22) and the other array being located in the detection channel (Fig. 2, Ref. 20, 38, 55, 53, 52).

**Claim 3**

Brierley ('196) further discloses each of the two arrays is formed by deflector elements arranged in a spaced-apart relationship along the respective channel (See Fig. 2).

**Claim 4**

The reference of Brierley ('196) further discloses the deflector elements are mirrors having planar or parabolic-sector reflecting surface (Col. 5, lines 52-53, 60-62).

**Claim 6**

Brierley ('196) further discloses each of the two arrays is formed by a reflecting surface of a parabolic-sector mirror (Fig. 2, Ref. 20, 22).

**Claim 7**

Brierley ('196) further discloses the light directing assembly comprises a planar mirrors (Fig. 2, Ref. 36) located in the optical part of the incident beam propagating towards the array of the deflector elements in the illumination channel and movable along this optical path to thereby reflect the incident beam onto the selected one of the deflector elements of the illumination channel (Col. 6, lines 15-36).

**Claim 8**

The reference of Brierley ('196) further discloses in the light directing assembly comprises a second planar mirror (Fig. 2, Ref. 38) accommodated in the detection channel in the optical part of the returned deflected beam and movable along this channel, movement of the second mirror resulting in the detection of the returned beam deflected by the selected one of the deflector elements of the detection channel (Col. 6, lines 15-36).

**Claim 9**

Brierley ('196) further discloses the plurality of the deflector elements comprises a

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parabolic-sector mirror (Fig. 2, Ref. 20, 22) facing the sample (Fig. 2, Ref. 12) by its reflecting surface, and comprises several planar mirrors (Fig. 2, Ref. 21, 23, 53, 55) operable together to direct the incident beam to the reflecting surface of the parabolic-sector mirror to be reflected thereby onto said location on the sample, and to direct the returned beam to the detector unit (Fig. 2, Ref. 18), at least one of the planar mirrors (Fig. 2, Ref. 36, 38) being movable between a plurality of operative positions, thereby directing the incident beam onto a selected location on the reflecting surface and enabling obtaining a selected one of the plurality of incident angles (Col. 6, lines 15-36).

**Claim 10**

Brierley ('196) further discloses the detector unit comprises a spectroscopic detector (Col. 5, lines 20-23).

**Claim 20**

Brierley ('196) discloses providing an incident light beam (Fig. 2, Ref. 16) propagating in a certain direction towards the sample (Fig. 2, Ref. 12) along an illumination channel (See Fig. 2); directing the incident beam onto a certain location on the sample's (Fig. 2, Ref. 12) plane with a plurality of incident-angles (Col. 6, lines 15-36), said directing comprising deflecting the incident beam by a selected one of a plurality of deflector (Fig. 2, Ref. 22, 21, 23, 50, 20, 55, 53, 52) resulting in the selected one of the angles of incidence of the beam onto said certain location; and detecting light returned (Fig. 2, Ref. 18) from the illuminated location with a desired angle and generating data indicative thereof to be analyzed for determining at least one parameter of the sample (Col. 5, lines 19-25).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 11-14, 18, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brierley ('196).

**Claim 5**

Brierley ('196) discloses the claimed invention except for the use of focusing lens with the deflector elements. It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine Brierley ('196) with the focusing lens since it was well known in the art that using focusing lens increase or decrease a light spot size therefore allowing the user to determine the desired size of the light spot.

**Claim 11 & 12**

Brierley ('196) discloses the claimed invention except for a pinhole located in the direction of the return beam or an aperture stop. It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine Brierley ('196) with the pinhole and aperture stop since it was well known in the art that using pinhole and aperture stops increases the performance of the projected light by filtering-out unwanted noise, therefore increasing the sensitivity of the measurement.

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**Claims 13 & 14**

Brierley ('196) discloses the claimed invention except for a polarizing assembly with a polarizer located in the optical path of the incident light beam or the return beam. It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine Brierley ('196) with the polarizing elements since it was well known in the art that using polarizing elements allows the optical signal to be filtered so that only a certain optical signal is detected, therefore decreasing interference and improving the signal quality.

**Claim 18**

Brierley ('196) an imaging channel defined by an imaging light source (Fig. 2, Ref. 16), an imaging detector unit (Fig. 2, Ref. 18).

Brierley ('196) discloses the claimed invention except for imaging lens assembly. It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine Brierley ('196) with imaging lens assembly since it was well known in the art that using a lens assembly increase or decrease a light spot size therefore allowing the user to determine the desired size of the light spot..

**Claim 21**

Brierley ('196) discloses the claimed invention except for define the parameters. It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine Brierley ('196) with parameters since it was well known in the art that setting parameters allows easier identification of values therefore increasing the speed at which they can be analyzed, which increases efficiency.



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*Allowable Subject Matter*

6. Claims 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Stafira whose telephone number is 571-272-2430. The examiner can normally be reached on 4/10 Schedule Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tarifur Chowdhury can be reached on 571-272-2800 ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Michael P. Stafira  
Primary Examiner  
Art Unit 2886

February 27, 2007